

PART F IMPLEMENTATION AND INTERPRETATION

1. IMPLEMENTATION

1.1 GENERAL

It is the intention of Council to implement this Plan by means of the powers conferred upon it by the *Planning Act*, the *Municipal Act*, and other such statutes that may be applicable. In particular, this Plan will be implemented by means of Restricted Area (Zoning) By-laws, the development of detailed community plans, and the construction of public works.

1.2 COMMUNITY AND DISTRICT PLANS

- a) The Town of Oakville urban area is divided into a number of residential communities and employment or business districts.
- b) Detailed Community Plans must be adopted, by amendment to this Plan, for all communities and districts shown on Figure "G", before urban development occurs.
- c) All community and district plans must conform to the general intent and purpose of this Plan.
- d) Notwithstanding the delineation of communities on Figure "G", a Community Plan may be prepared in two or more sectors where its physical characteristics make it appropriate to do so.

1.3 RESTRICTED AREA (ZONING BY-LAWS)

- a) Following the adoption of this Plan, Restricted Area By-law 1984-63 of the Town of Oakville, shall be reviewed and new standards developed to:
 - i) implement the land use provisions of this Plan;
 - ii) implement appropriate site standards to secure provisions of this Plan;
 - iii) bring all zoning categories into conformity with this Plan.
- b) Bonus By-law Provisions

i) Oakville may make use of bonus zoning to authorize increases in height and/or density of development beyond that permitted by the comprehensive by-law in return for the provision of such facilities, services, or matters as are set out in the bonusing by-law. The use of bonus zoning shall be carefully controlled and shall only be undertaken after a thorough study of the effects of such a by-law. The Town may consider increased height and/or density with regard to the following matters and any other matters that secure the provisions of this Plan:

- provision of additional public parking;
- provision of additional open space;
- provision of Natural Areas;
- provision of improved access to public transit;
- provision of arcades and public walkways within development;
- provision of assisted or other low income housing;
- provision of public institutional facilities;
- protection of heritage buildings and features;
- protection of significant vistas and views;
- provision of affordable housing, above and beyond the basic requirement of 25%.

ii) A bonus by-law shall:

- contain the detailed development standards that would apply when the bonus is awarded. If the bonus is not awarded, the standards of the basic zoning category assigned to the site would apply. These standards, of course, must comply with the policies of this Official Plan.
- set out how these bonus standards relate to the conditions that are required to be met in order for the bonus standards to apply to the site;

- address the matters to be dealt with in the agreement. The reference in the by-law should not make the bonus award conditional on entering into the agreement. Rather, it should be clear that as part of the bonus being awarded and the bonus standards applying, the agreement will be entered into;
- be written in such a way to ensure that discretion cannot be applied. If the conditions to be met and bonus to be awarded are all agreed to and set out in an agreement, a further rezoning should not be necessary.

c) Holding Provisions

- i) A holding symbol may be used in conjunction with any land use zoning designation to specify the use to which lands, buildings or structures may be put at such time in the future when the holding symbol is removed by amendment to the Zoning By-law.
- ii) Council may affix a holding symbol with the prefix "H" to any lands within the Town of Oakville, and specify the future uses of those lands that, at the present time, are considered premature or inappropriate for development. A holding symbol may be used in the following situations:
 - community services and facilities such as sanitary sewers, stormwater management facilities, water supply, parks and schools are insufficient or unavailable to service the proposed development;
 - transportation facilities are inadequate or inappropriate based on existing or anticipated traffic;
 - the number and location of access points to the site are inadequate or incapable of functioning safely and efficiently;
 - to ensure the implementation of policies for locations or developments requiring special design features;
 - to control the phasing of development or redevelopment, but not such that the affixing of a holding symbol could be contrary to the phasing

provisions contained within the Official Plan;

- to control the provision of commercial lands or uses in relation to market demand;
- to ensure measures are in place to mitigate negative impacts from nearby land uses such as transportation and utility corridors, sewage treatment plants, landfill sites, and industrial uses;
- to control the development and timing of development on contaminated lands;
- where development relies upon other matters occurring first such as:
 - the consolidation of land ownership to ensure orderly development;
 - to secure funding for infrastructure, or services;
 - environmental investigation and clean-up;
 - to put into place a Development Charge By-law or front ending agreement subject to the *Development Charges Act*;
 - archeological resource investigation and recovery;
 - execution of development agreements;
 - measures to protect natural or environmentally sensitive areas;
- to secure payment of outstanding processing costs.

iii) The Holding Symbol By-law shall include uses which shall be permitted while the holding provision is in place. Such uses shall be limited to the existing permitted use(s) on the property.

iv) The Holding By-law will be amended by By-law to remove the holding symbol when the requirements for removal as set out in the Holding By-law have been met.

1.4 SITE PLAN CONTROL

- a) The municipality may require site plan approval of any development as permitted in the *Planning Act*, and subject to the provisions of Part C, Section 7.2 of this Plan.
- b) Aesthetics and functional design guidelines may be established from time to time to assist in the preparation of site plans and the massing and conceptual design of buildings.

1.5 MONITORING

The housing, employment, and financial position of the Town will be monitored periodically to ensure general conformity with the provisions of this Plan. Other monitoring programs may be developed to assess any aspect of the Official Plan.

2. **INTERPRETATION**

- 2.1 The policies of this Plan are directed towards a state of development that is possible in the next 20 years; however, complete development of the urban area is not demanded nor anticipated.
- 2.2 *The Regional Municipality of Halton Act* requires that every Official Plan and every by-law passed under Section 35 of the *Planning Act* or a predecessor thereof, then in effect in the Planning Area affected thereby shall be amended forthwith to conform therewith; and no Official Plan of a subsidiary planning area shall be approved that does not conform therewith. Where Goals, Objectives, and Policies of the Regional Plan conflict with this Plan, The Regional Plan shall prevail.
- 2.3 The boundaries between classes of land use designated in this Plan are intended to be only general, and not to define the exact limits of each such class unless these coincide with natural or man-made physical boundaries, such as major roads, rivers, or hydro rights-of-way. Adjustments may be made in respect of such boundaries in zoning by-laws without the necessity of amending this Plan, so long as such by-laws conform to the general intent and purpose of this Plan.
- 2.4
 - i) The unit per hectare density designations in this Plan may be varied by 5% without amendment to this Plan.
 - ii) The final development density will be determined in the Zoning By-law.

- iii) The Plan recognizes that some blocks or areas may in fact already be developed at densities higher than those noted on the Community Plans. It is not the intent of this Plan to prohibit further development in these blocks or areas provided that any further development is in keeping with the existing built form and character and accords with the intent of the Community Plan.
- 2.5 The land use designations on Figure "B" may be refined in Community and District Plans provided the general intent of this Plan is maintained.
- 2.6 The alignments of roads designated on Figure "E" are diagrammatic, therefore an amendment to this Plan shall not be required for the minor realignment of roads provided the general purpose and intent of this Plan are maintained. The precise routes for new roads will be determined by future studies.
- 2.7 Adjustments may be made to the phase boundaries as shown on Figure "C" within the context of the various Community and District Plans provided the purpose and intent of this Official Plan are maintained.
- 2.8 Definitions

1. **Accessory Apartment** - Accessory apartment means a self-contained apartment created within a detached, semi-detached, multiple-detached or duplex dwelling, consistent with the Ontario Building Code and the Ontario Fire Code.
2. **Affordable Housing** - Affordable housing means housing which would have a market price or rent that would be affordable to households of low and moderate income. Households of low and moderate income are defined as households within the lowest 60% of the income distribution for the Toronto Housing Region. Affordable housing also indicates any Government assisted housing.

Affordable means annual housing costs (gross rent or mortgage, principal and interest (amortized over 25 years and assuming a 25% down payment) and taxes), which do not exceed 30% of gross annual household income.

3. **Area** Definitions for Residential Communities

- i) **Absolute Gross** - Everything within the Town boundary of a described area.
- ii) **Gross** - Includes: Residential land (including land in the Parkway Belt under the special designation for Residential),

Convenience, Neighbourhood and Community Shopping, Arterial Commercial, Local Parkland, all schools, local collector and arterial roads, Community Service Centre, institutions, utilities, churches and associated cemeteries, buffer zones, and private open space.

Excludes: Employment land, Parkway Belt (except parts under residential special designation), Sheridan College, hospitals, sub-regional shopping centre, Central Business District uses, non-local parkland, the Sixteen Mile Creek River Valley, expressways, Dundas Street, private schools, hotels and motels, sewage treatment plants, water purification plants, major hydro rights-of-way and pipeline easements, and all vacant or agricultural land.

- iii) **Net** - Includes: Residential land (including land in the Parkway Belt under the special designation for residential), Convenience and Neighbourhood shopping, parkettes, local parkland, elementary schools, local roads, minor institutions, minor utilities, churches, and associated cemeteries.

Excludes: All exclusions under gross plus Community shopping, Community parks, secondary schools, collector and arterial roads, public open space, Community Service Centre, and buffer zones.

- iv) **Site** - Includes: Residential lots or blocks only, excluding any public lands. In the case of development or redevelopment, any public land required to be dedicated or conveyed shall not be included for the purpose of calculating the site hectarage.

4. **Biodiversity** - means the variety of life in all forms, levels and combinations. It includes ecosystem and landscape diversity, species diversity, and genetic diversity.
5. **Biota** - means all plant and animal life.
6. **Bona Fide Farmer** - A person who owns land whose principal occupation on it is the operation of a commercial farm in Oakville.
7. **Buffer Areas** - means the setbacks for development established around natural features, such as the 15 metre setback for development from the top-of-bank of major valleys.

8. **Commercial Farm** - means a farm which normally produces sufficient income to support a farm family.
9. **Contaminated Site** - means property or lands that have not been rehabilitated and for reasons of public health and safety or environmental quality, are unsafe for use as a result of human activities, particularly those activities that have left a chemical or radioactive residue. Such sites may include industrial lands, transportation facilities, and electrical facilities.
10. **Contaminated Soils** - means soils, for reasons of public health and safety or environmental quality, are unsafe for use as a result of human activities, particularly those activities that have left a chemical or radioactive residue.
11. **Defined Portions of a Dynamic Beach** – means those portions of the dynamic beach which are highly unstable and/or critical to the natural protection and maintenance of the first main dune feature and/or beach profile, where any development or site alteration would create or aggravate flooding or erosion hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.
12. **Development** - means:
 - a) a new lot and/or increase in the number of permitted units on a lot, excluding:
 - i) the conversion or the change of use of an existing structure where the usability or size of the structure is not increased, or
 - ii) the creation of an apartment unit or other accommodation in an existing detached or semi-detached house;
 - b) the construction, erection or placing of a building or structure excluding those contained within plans of subdivisions previously subject to environmental impact review;
 - c) activities such as drainage works, except for the maintenance of existing municipal and agricultural drains, site grading, excavation, removal of top soil and peat, the placing and dumping of fill, which are subject to regulations under By-law 1994-40 (Placing and Dumping of Fill) and

By-law 1994-41 (Topsoil Preservation);

- d) the making of an addition or alteration, in excess of 25 m² in size, to a building or structure that has the effect of increasing the size or usability thereof, subject to the exceptions as set out below.

The following are not considered development for the purposes of this definition:

- i) the replacement of an existing building at the same size, location and density,
 - ii) activities that create or maintain infrastructure authorized under an environmental assessment process;
 - iii) remedial works;
 - iv) those works subject to the *Drainage Act*,
 - v) good forestry practices in accordance with the *Trees Act*, and associated buildings and structures; and
 - vi) any addition or alteration to a building or structure in excess of 25 m², that in the opinion of the Director of Planning Services, is unlikely to have a detrimental impact on the natural environment;
 - vii) any other activity as determined at the discretion of the Director of Planning Services where any such activity is deemed to be minor in nature, has negligible impact to the natural environment and meets the intent of Official Plan provisions.
13. **Dynamic Beach** – means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes. The dynamic beach hazard limit includes the flooding hazard limit plus a dynamic beach allowance.
14. **Ecosystem** - means systems of plants, animals, and micro-organisms, together with the non-living components of their environment, related ecological processes and humans.

15. **Ecosystem Approach** - The ecosystem approach recognizes the inter-relationships of all ecosystem components, and strives to create a balance between the physical, human and biological elements of the environment.
16. **Endangered Species** - means any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be threatened with immediate extinction throughout all or a significant portion of its Ontario range. Endangered species are identified in Regulations under the *Endangered Species Act*.
17. **Erosion** - means a volumetric reduction of land by human-induced or natural processes.
18. **Erosion Hazard** – means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a hundred-year time span), an allowance for slope stability, and an erosion allowance.
19. **Established Standards and Procedures** - For development in the Lake Ontario regulatory shoreline means those principles, methods and procedures which are used and applied in current hydro-technical engineering practices, geo-technical practice and/or disciplines such as geology, geomorphology, botany and zoology. These include:
 - i) Floodproofing Standard which is defined as a method or procedure to address flooding hazards associated with lake levels, wave uprush and other water related hazards. Fulfilling the defined floodproofing standard involves the combination of appropriate and acceptable structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.
 - ii) Protection works standard which is defined as a method or procedure to address flooding, erosion and/or other water related hazards. Fulfilling the defined protection works standard involves a combination of appropriate and acceptable structural and/or non-structural works which are intended to reduce damages caused by flooding, erosion and/or other water related hazards. Where protection works are considered appropriate and acceptable, they must be combined with an allowance to address slope stability and

flood/erosion hazards.

- iii) Access standard (ingress and egress) which is defined as a method or procedure to ensure safe vehicular and pedestrian movement during times of flooding erosion and/or other water related hazards.
20. **Fish Habitat** - means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
 21. **Flood(ing)** - means a temporary rise in the water level resulting in the inundation of areas adjacent to a watercourse or Lake Ontario not ordinarily covered by water.
 22. **Flood Plain** - means the area, usually low lands, adjoining a watercourse which has been or may be covered by flood water.
 23. **Flooding Hazard** – means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water.
 - a) along the shorelines of the Great Lakes-St. Lawrence River System and large inland lands, the flooding hazard limit is based on the 100 year flood level plus an allowance for wave uprush and other water related hazards.
 24. **Floodproofing** - means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.
 25. **Floor Space Index (or Floor Area Ratio)** – means the ratio of gross floor area to net site area.
 26. **Ground Water** - means sub-surface water, or water stored in the pores, cracks, and crevices in the ground below the water table.
 27. **Ground Water Recharge Area** - means an area in which there is significant addition of water by natural processes to ground water.
 28. **Hazardous Lands** – means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward

limit of the flooding, erosion or dynamic beach hazard limits.

29. **Hazardous Substances** - means substances which individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide range of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.
30. **Head Water** - means the source area of a stream.
31. **Hydric Soils** - means soils that are characterized by an abundance of moisture, to the extent that the soils are either inundated or dominated by water tolerant vegetation.
32. **Hydrophytic Plants** - means vegetation commonly growing in water or in water-logged soil, and are water-tolerant.
33. **Infill** - means development on undeveloped or vacant lots within a built-up area.
34. **Intensification** - means new development or redevelopment in an established Community or neighbourhood at a density higher than that already established. This will particularly apply to low density residential areas in the Old Oakville and Eastlake Communities.
35. **Lands Adjacent** - means those lands:
 - i) contiguous to an identified natural feature or function;
 - ii) within the distance defined for a specific feature or area in a guideline or procedure established by the Province or through comparable municipal evaluations.
36. **Natural Features** - includes natural areas and natural or restored corridors such as valleylands, ravines, river and stream corridors, the habitat of endangered species, threatened species and vulnerable species, significant natural corridors, significant woodlands, areas of natural and scientific interest, shorelines of lakes and watercourses, environmentally sensitive areas, and significant wildlife habitat.
37. **Net Gain** - when referring to fish habitat, means that there is an actual increase in the area and/or number of fish habitats through:
 - i) the creation of new fish habitat areas, or

- ii) the expansion of and/or the rehabilitation of existing fish habitat areas.
38. **No Net Loss** - means a working principle by which the Ministry of Natural Resources strives to balance unavoidable habitat losses with habitat replacement on a project-by-project basis so that further reductions to Ontario's fisheries resources due to habitat loss or damage may be prevented.
39. **One Hundred Year Erosion Limits** - means the approved standards involving the combined influence of stable slope, 100 times the average annual recession rate, and an erosion allowance to define the erosion limits for regulatory purposes.
40. **One Hundred Year Flood** - for riverine Flood Plains means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.
41. **One Hundred Year Flood Level** - for Lake Ontario, means the peak still water level due to the combined occurrences of means monthly lake levels and wind set-up that is equaled or exceeded in 1% of all years.
42. **One Zone Concept** - means the approach whereby the entire Flood Plain, as defined by the regulatory flood, is treated as one unit, and all development is prohibited or restricted.
43. **Quality and Quantity** - Quality and quantity of water is measured by, but not limited to, indicators such as: minimum base flow, oxygen levels, suspended solids, temperature, bacteria, nutrients, hazardous contaminants, and hydrologic regime in accordance with policies and guidelines to be established by the Province.
44. **Significant** - means ecologically important to the natural environment in terms of amount, content, representation, or effect, thereby contributing to the quality and integrity of an identifiable ecological region or natural heritage system. Significance will be determined based on criteria and guidelines established by the province or the municipality.
45. **Stable Slope** - means the angle a slope would achieve when toe erosion and/or human activities are absent.

46. **Threatened Species** - means any indigenous species or fauna or flora that, on the basis of the best available scientific evidence, is indicated to be experiencing a definite non-cyclical decline throughout all or a major portion of its Ontario range, and is likely to become an endangered species if the factors responsible for the decline continue unabated.
47. **Vulnerable Species** - means any indigenous species of fauna or flora that is particularly at risk because of: low or declining numbers; occurrence at the fringe of its range or in restricted areas; or for some other reason, but is not a threatened species.
48. **Wave Uprush** - means the rush of water up onto a beach, bluff or structure following the breaking of a wave. The limit of wave uprush is the point of farthest landward rush of water onto the shoreline.
49. **Wetland Area** - means a single contiguous wetland which may be composed of one or more wetland types.
50. **Wetland Complex** - means two or more individual wetland areas along with their adjacent lands that are related in a functional manner and are grouped within a common wetland boundary. The whole complex is evaluated and classified, not its individual wetland area components.
51. **Wetland Functions** - mean the biological, physical and socioeconomic interactions that occur in an environment because of the properties of the wetlands that are present, including but not limited to:
- i) ground water recharge and discharge;
 - ii) flood damage reduction;
 - iii) shoreline stabilization;
 - iv) sediment trapping;
 - v) nutrient retention and removal;
 - vi) food chain support;
 - vii) habitat for fish and wildlife; and
 - viii) attendant social and economic benefits.

52. **Wetland Types** - means individual wetland ecosystems that have specific characteristics, and are commonly called marshes, swamps, bogs and fens.
53. **Wetlands** - means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time, are considered to have been converted to alternate uses.
54. **Wildlife Habitat** - means areas of the natural environment where plants, animals and other organisms, excluding fish, survive in self-sustaining populations, and from which they derive services such as cover, protection or food.
55. **Woodlands** - are complex ecosystems of different tree species, shrubs, ground vegetation and soil complexes that provide habitat for many plants and animals. Woodlands is a general term which collectively refers to areas occupied by trees, treed areas, woodlots and forested areas.

